

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOCELYN LAMPERT,

Case No. CV 03-828-HA

Plaintiff,

ORDER REGARDING  
ATTORNEY FEES AND COSTS

v.

CLACKAMAS COUNTY, municipal  
corporation and a governmental  
subdivision of and within the State of  
Oregon and VICKIE PALMER,

Defendants.

Plaintiff and defendant entered into a settlement leaving the question of plaintiff's attorney fees and costs for the court to determine. Plaintiff seeks attorney fees in the amount of \$265,877 and costs in the amount of \$20,456.80. Defendant has filed objections to both requests.

PLAINTIFF'S COSTS

Defendant objects to plaintiff's request for Intelli Track Investigations in the amount of \$1,684.44, mediation costs in the amount of \$520.63, \$615.73 in mileage, \$240.86 in parking expenses, \$132.69 for excessive postage, \$609.84 for Westlaw research, \$30.00 for hand deliveries, \$96.00 for Open Online and \$102.50 for facsimiles. These costs are not recoverable and therefore defendant's objections are sustained.

Defendant objects to the requested court reporter expenses in the amount of \$11,030.16.

However, based on the timing of the settlement, the court overrules defendant's objections. see FRCP 6(a).

The Court notes that defendant's offer to allow judgment is dated October 20, 2005 and plaintiff's acceptance is dated October 31, 2005. Trial in this matter was to commence on November 1, 2005. Counsel for defendant must have realized that plaintiff would have incurred costs associated with trial preparation. The Court takes these facts into account in determining plaintiff's reasonable costs and attorney fee requests.

Plaintiff's seek witness and mileage fees in the amount of \$908.54. Defendant has not filed any objection to this request. However, plaintiff seems to seek deposition fees for Kim Mosanto twice. Therefore, this request is reduced by \$40.00 Plaintiff seeks expert fees in the amount of \$2,290. Expert fees are not recoverable.

#### ATTORNEY FEES

As a starting point, defendant does not object to the hourly rates, except for Ms. Snyder's charge of \$300 per hour. The Court agrees with defendant and finds that \$250 per hour is a reasonable rate for all of Ms. Snyder's work. Defendant objects to any billing by Mr. Bourgeois and Ms. Snyder for matters pertaining to plaintiff's workers compensation matter. The Court agrees and reduces Mr. Bourgeois' time by 38.5 hours or \$7,700 and Ms. Snyder's time by 5.4 hours or \$1,580.

Defendant objects to counsel's time associated with plaintiff's claims that were decided in defendant's favor by summary judgment. However, plaintiff is entitled to recover for time spent on issues reasonably related to claims on which they prevail. The Court overrules defendant's objections on this basis. Defendant objects to what it refers to as "block billing."

This Court has noted, on more than one occasion, that attorneys must be sufficiently specific of the tasks performed. A failure to do so exacerbates the difficulty in assessing the reasonableness of the time requested, and in determining whether the fees requested are proper. Defendant objects to the insufficiently described billing entries. Defendant also objects to the time entries of counsel which are duplicative of each other. The Court sustains these objections and allows 300 hours for each counsel. Therefore, the Court allows attorney fees for Donald Bourgeois in the amount of \$52,300 and attorney fees for Ms. Snyder in the amount of \$73,420. The Court allows attorney fees for Ms. Lloyd in the amount of \$11,430, Ms. Oldham in the amount of \$682.50 and for paralegal work in the amount of \$2,187.

#### CONCLUSION

After consideration of plaintiff's cost bill [111] and a careful examination of the parties' related briefing, the Court concludes that plaintiff is entitled to an award of attorney fees in the amount of \$140,019.50 plus \$12,180.20 in costs.

IT IS SO ORDERED.

DATED this 8th day of March, 2006.

/s/ Ancer L. Haggerty  
ANCER L. HAGGERTY  
CHIEF U. S. DISTRICT COURT JUDGE